

U.S. Department of the Army
Research, Development, and Engineering Command-
Armaments Research, Development and Engineering
Center (RDECOM-ARDEC),
Benét Laboratories, Watervliet, NY

BROAD AGENCY ANNOUNCEMENT
FOR
CONTRACTS, GRANTS, COOPERATIVE
AGREEMENTS, AND OTHER TRANSACTIONS

[W15QKN-06-R-0501](#)

FY2006 - FY2008

ISSUED BY:

US Army TACOM-Picatinny
Picatinny Center for Contracting and Commerce

[Date: September 2005](#)

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INTRODUCTION

This Broad Agency Announcement (BAA), which sets forth research areas of interest to the U.S. Army Research, Development, and Engineering Command-Armaments Research, Development and Engineering Center (RDECOM-ARDEC), Benet Laboratory (BL), is issued under the paragraph 6.102(d)(2) of the Federal Acquisition Regulation (FAR), which provides for the competitive selection of proposals. Proposals submitted in response to this BAA and selected for award are considered to be the result of full and open competition and in full compliance with the provision of Public Law 98-369, "The Competition in Contracting Act of 1984" and subsequent amendments.

Proposals are sought from educational institutions, nonprofit organizations, and commercial organizations for programs in new materials and manufacturing technologies for weapon systems. Proposals shall be evaluated only if they are for scientific study and experimentation directed toward advancing the state of the art or increasing knowledge and understanding.

This paragraph provides information to foreign entities that some security restriction may apply but does not restrict foreign entities from competition. Foreign owned, controlled, or influenced firms are advised that security restrictions may apply that could preclude their participation in these efforts. Before preparing a proposal, such firms are requested to contact the Watervliet Arsenal Security Officer (518) 266-4335 concerning their eligibility. Pursuant to the policy of FAR 35.017 and supplements, selected Federally Funded Research and Development Centers may propose under this BAA.

The Army has a long history of advocating and supporting research at historically black colleges and universities and minority institutions (HBCU/MI). We actively seek research proposals from HBCUs and MIs in full competition with all offerors who may submit proposals under this BAA. As stated on page 13, under General Preparation and Submission Information for all offerors, "Proposals may be submitted at any time." We also encourage the inclusion of HBCUs and/or MI as part of a consortium proposal or as subcontractors/subgrantees to prime recipients.

In order to conserve valuable offeror and Government resources and to facilitate determining whether a proposed research idea meets the guidelines described herein, prospective offerors contemplating submission of a white paper or proposal are strongly encouraged to contact the appropriate technical point of contact (TPOC). The TPOCs' names, telephone numbers, and e-mail addresses are listed immediately after each research area of interest. If an offeror elects to submit a white paper, it shall be prepared in accordance with the instructions contained in PART III, Section 3. Upon receipt of a white paper, it will be evaluated and the offeror shall be advised of the evaluation results. Offerors whose white papers receive a favorable evaluation may be contacted to prepare a complete proposal in accordance with instructions contained in PART III, Section 4.

The costs of white papers and/or complete proposals in response to this BAA are not considered an allowable direct charge to any award resulting from this BAA or any other award. It may be an allowable expense to the normal bid and proposal indirect cost specified in FAR 31.205-18.

In accordance with federal statutes, regulations, and Department of Defense and Army policies, no person on grounds of race, color, age, sex, national origin, or disability shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from the Army.

Offerors submitting proposals are cautioned that only a Contracting, Agreement, or Grants Officer may obligate the Government to any agreement involving expenditure of Government funds.

It is preferred that proposals are submitted to cover a 3-year period and include a brief summary of work contemplated for each 12-month period. This facilitates the negotiation of awards for an entire 3-year program or for individual 1-year increments of the total program. All administrative inquiries regarding this BAA shall be addressed to voice mailbox number (518) 266-5904. If an inquiry is made, please clearly state your name, correct spelling, and telephone number. Technical questions should be referred to the TPOCs shown following each research area of interest.

This BAA is available on the following websites:

<http://www.benet.wva.army.mil/>

<http://www.fedbizopps.gov/>

<http://www.grants.gov>

This BAA is a continuously open announcement valid throughout the period from the date of issuance through 30 September 2008, unless announced otherwise. Amendments to this BAA will be posted to the FedBizOpps web site and published at the above websites when they occur. Interested parties are encouraged to periodically check these websites for updates and amendments.

Russell Fiscella
Director
Benet Laboratories

PART I – RESEARCH AREAS OF INTERESTS

RESEARCH AREA 1

New Materials and Manufacturing Technologies for Weapon Systems

1.0 Benet Laboratory is interested in proposals for advancing the state of the art in manufacturing and fabricating components for weapon systems. Benet has a long-standing mission in the development of cannon and gun barrel and other component technologies. These weapon systems and components are now in use in several active theaters. As such Benet is interested in technologies that will extend the life of the barrels and other components. These technologies may be associated with coatings e.g. cold spray, plasma spray, laser deposition, high velocity oxygen fuel, laser peening, etc; surface modification i.e. superfine finishing, or material substitutions such as ceramic materials.

- 1.1 For future generation systems such as the Future Combat System, Benet is interested in materials and processes that can reduce weight of various weapon system components or extend performance either in terms of life, ballistics, or protection. Materials of interest include titanium, ceramics, composites, both polymer based composites and metal matrix composites. An important element of new materials development is nanomaterials. Nanomaterials hold great promise either of themselves or in combination with other materials to increase the performance of the base material. For example, carbon nanotubes may be used as an additive to a polymer based composite, ceramic material, or metal matrix materials to improve performance. Processes which produce materials with a nanosize grain structure are also of interest.
- 1.2 Associated with these materials Benet is interested in manufacturing processes to reduce cost, cycle time, and fabricate parts where price is independent of quantity, examples of such processes include rapid prototyping technology, freeforming technology whether laser based, plasma based, or polymer based. Benet's vision for the future also includes intelligent machining, joining, and processing. Benet's supports multiple complex machining/joining operations for weapon systems. A medium term goal is to add intelligence to machine tools to enable them to do a self assessment, self programming, self diagnostics, self scheduling, and in process monitoring. This concept involves both software tools and sensor tools. Sensors and the technologies to create them are important. The sensors must be small including meso and MEMS scale. They must be able to survive in adverse environments whether extreme heat associated with fabrication processes or other conditions. In order to transmit the information from the sensors, Benet is interested in fiber optic technology, remote sensing or optics necessary for such systems. Benet is interested in technologies that instill intelligence in processes or machine tools e.g. modeling, data analysis, data fusion, etc.

- 1.3 Benet is interested in the development of other approaches, technologies, planning, scheduling etc. which may not be explicitly mentioned but which help to create or achieve the vision for the future. Potential offerors are encouraged to contact the appropriate Technical Point of Contact (TPOC) for preliminary discussions on their ideas. To establish the suitability of proposed research topics, direct contact by telephone or electronic mail with the Program Manager and submittal of white papers (not to exceed five pages) are strongly encouraged. For the Solid Mechanics Program, white papers should be submitted no later than 15 November and 15 May of each fiscal year. These white papers will undergo technical evaluation in terms of scientific merit and Army relevance. Offerors whose preliminary proposals are assigned a high priority rating by the committee will be invited to submit a complete, formal proposal.
- 1.4 **Technical Point of Contact (TPOC):**
Dr. Robert Dillon, bob.dillon@us.army.mil.

PART II – WHITE PAPER AND/OR PROPOSAL EVALUATION

Careful, full and impartial consideration will be given to all proposals and/or white papers received pursuant to this BAA, and the evaluation will be applied in a similar manner. An evaluation plan has been established to evaluate the factors set forth below. All proposals and/or white papers will be evaluated by a team of government personnel in accordance with the plan.

Award will be made to the offeror (s) whose proposal represents the “best value” to the government as reflected by the evaluation factors established below. The government will weigh the relative benefits of each proposal, and award will be made based on an integrated assessment of the technical & management, cost, and past performance. Under “best value,” the government reserves the right to award to other than the lowest priced offeror or to other than the highest technically rated offeror.

1. EVALUATION FACTORS AND THEIR RELATIVE ORDER OF IMPORTANCE:

To be eligible for an award of an agreement, white papers and the subsequent proposal submitted in response to this BAA will be evaluated using the evaluation factors listed below (in descending order of importance):

- Technical & Management
- Cost
- Past Performance

1.1 TECHNICAL & MANAGEMENT

1.1.1 Merit Rating:

The Technical & Management area will receive a merit rating along with a narrative description of findings.

Excellent – Proposal and/or white paper demonstrates excellent understanding of the objectives and approach and has a high probability of achieving all or most of the requirements of the objective. Proposal and/or white paper has exceptional strengths that will significantly benefit the government

Good – Proposal and/or white paper demonstrates good understanding of the objectives and approach and has a good probability of achieving all or most of the requirements of the objective. Proposal and/or white paper has one or more strengths that will significantly benefit the government.

Fair - Proposal and/or white paper demonstrates an acceptable understanding of the objectives and approach and has a fair probability of achieving some of the requirements of the objective. Proposal and/or white paper proposes an acceptable solution with few or no strengths.

Poor – Proposal and/or white paper demonstrates a shallow understanding of the objectives and approach and has little probability of achieving the objective. Proposal and/or white paper proposes a less than minimally acceptable solution.

1.1.2 The Technical & Management section will be evaluated as described below:

Subfactor A. The overall scientific and/or technical merits of the proposal.

Technical Benefit. Rating will be based on the extent to which the results are estimated to reach or exceed the objectives outlined in Part I, the overall technical benefit to the research area and its contribution to advancing the state-of-the-art in materials and manufacturing technologies for weapon systems.

Technical Approach. The proposed approach used to explore the research area will be scored on the soundness and completeness of all methods, techniques, procedures, studies, simulations and testing described and the inclusion of sketches and diagrams, as necessary, to fully describe the approach.

Data Rights. The USG potentially is interested in obtaining rights to a contractor's pre-existing intellectual property. An offeror will still be eligible for an award if it does not propose giving the USG any rights to its pre-existing intellectual property. However, a proposed grant to the USG of rights will be factored favorably into the evaluation of S&T

Subfactor B. The potential contributions of the effort to the Army mission and the extent to which the proposed effort will contribute to balancing the overall BL technical program.

Rating will be based on the extent to which the proposed effort contributes to the BL program areas and the Army mission. Efforts supporting the BL program will receive higher ratings.

Subfactor C. The offeror's capabilities, related experience, facilities, techniques, or unique combinations of these, which are integral factors for achieving the proposed objectives.

Rating will be based on the description of the offeror's capabilities, experience, facilities, techniques and test equipment that will be used to perform the task and how each will be used to support the effort.

Indicate any experience, facilities and equipment described that are **not** currently in the offeror(s)' possession. Rating will be based on the offeror(s)' personnel and facilities available for this effort and relevant to the effort proposed. Capabilities,

experience, facilities, techniques and test equipment that are irrelevant to the current effort will not be considered in the scoring.

Rating of personnel capabilities will be based on a summary of the relevant experience and qualifications of personnel proposed for the effort.

Subfactor D. The qualifications, capabilities, and experience of the proposed principal investigator, team leader, or other key personnel who are critical to achievement of the proposed objectives.

Rating will be based on the description of the qualifications, capabilities, and relevant experience of the proposed principal investigator, team leader, and other key personnel.

Indicate how the qualifications, capabilities, and relevant experience of the proposed principal investigator, team leader, and other key personnel relate to the proposed objectives. Qualifications, capabilities, and experience that are irrelevant to the current effort will not be considered in the Rating.

Rating of personnel capabilities will be based on a summary of the relevant experience and qualifications of personnel proposed for the effort.

| All the Technical & Management Subfactors are listed in descending order of importance.

1.2 COST:

The reasonableness and realism of proposed costs, any fee, and the availability of funds.

A cost benefit analysis of the offeror(s)' Project Proposal will be performed on the cost.

The Cost evaluation will be based on Cost:

To determine total cost, the cost segment will be evaluated, using cost realism. The Government may make adjustments to the cost of the total proposed effort as deemed necessary to reflect what the effort should cost. These adjustments shall consider the task undertaken and technical approach proposed. These adjustments may include upward or downward adjustments to proposed labor hours, labor rates, quantity of materials, price of materials, overhead rates and G&A, etc. The adjusted cost represents the most probable cost to the Government at completion. The most probable cost will be used in determining the best value to the Government. The relationship of the probable cost to the Technical & Management rating will be given in narrative form. Eligibility of profit or fee will be determined upon the types of awards.

1.3 PAST PERFORMANCE:

The offeror's record of past performance

Past performance will not receive a numerical rating. Each subfactor of past performance will be evaluated on their own criteria resulting in one cumulative rating. They will be evaluated utilizing an adjective-narrative rating system with a risk rating applied to each offeror as follows:

- (a) Low Risk: Based upon relevant past performance information, little doubt exists that the offeror will successfully meet the schedule and cost goals of the required effort in a cooperative manner
- (b) Moderate Risk: Based upon relevant past performance information, some doubt exists that the offeror will successfully meet the schedule and cost goals of the required effort in a cooperative manner.
- (c) High Risk: Based upon relevant past performance information, substantial doubt exists that the offeror will successfully meet the schedule and cost goals of the required effort in a cooperative manner.
- (d) Neutral Risk: No meaningful relevant record of past performance was identified. Based on the lack of such prior information, the offeror may not be evaluated favorably or unfavorably on past performance.

Past performance is the least important in relation to the technical & management and cost factors described above. The government will conduct a risk assessment based upon the quality of the offeror's past performance as well as that of its proposed subcontractors, as it relates to the probability of successful accomplishment of the required effort. A significant achievement, or problem can become an important consideration in the source selection process. A negative finding under any subfactor may result in an overall high risk rating. The offeror's Past Performance/Risk will be evaluated based upon the following 3 subfactors, which are weighted equally:

- Subfactor A. The successful completion of similar, relevant contracts, to the extent that a relevant history of past performance exists.
- Subfactor B. The effectiveness of advanced process management practices, when proposed, in mitigating program risk. Consideration will be given to the extent to which:
 - (1) The proposed approach reflects the integration of risk reduction efforts into the plan for this program.
 - (2) The contractor employs a disciplined, structured process to identify and mitigate risks.
 - (3) Metrics associated with the offeror's use of these advanced quality practices in prior procurements demonstrate the value and effectiveness of these practices.

Subfactor C. External recognition of quality excellence. Of importance to the government is how the application of advanced quality practices will add value to the ultimate product or service and reduce risk in achieving performance requirements.

2. BASIS FOR AWARD

2.1 The source selection team in making the integrated assessment of the results of the evaluation of the areas listed above, will give due consideration to the RELATIVE ORDER OF IMPORTANCE as follows. The Technical/Management rating is more important than Cost, and Cost is more important than Past Performance. The Government will weigh any increase in the Technical/Management rating against any additional cost to determine if the parity of the relationship warrants the paying of additional cost for additional merit or reduced risk. Acceptable proposals will be funded in the order of their ranking and affordability. For example, if Offer A is ranked #1, Offer B is ranked #2 and Offer C is ranked #3; we may fund Offer A and Offer C if Offer B is unaffordable.

2.2 Accordingly, the Government may award a resulting contract to other than the lowest priced offeror. Upon completion of evaluations, proposals will be categorized as follows:

Acceptable/Fund – Proposal and/or white paper has been found to be acceptable. The combination of Technical rating, Cost, and Past Performance warrants placement of award.

Acceptable/Defer – Proposal and/or white paper has been found to be acceptable, however, a decision on an award will be deferred. The Government may not fund proposals in this category if funding is unavailable or if a proposal with a better evaluation rating in a similar research area is funded.

Unacceptable – Proposal and/or white paper has been found to be technically unacceptable.

2.3 The Government reserves the right to make either no award or multiple awards

| 2.4 The Government reserves the right to award all or any part of a contractor's proposal.

2.5 All proposals and/or white paper are treated as privileged information prior to award and the contents are disclosed only for the purpose of evaluation. Proposals and/or white paper will be subject to a peer review by highly qualified scientists. While the offeror may restrict the evaluation to scientists from within the government, to do so may prevent review of the proposal by those most qualified in the field of research covered by the proposal. The offeror must indicate on the appropriate proposal form (Form 52 or 52A) any limitation to be placed on disclosure of information contained in the proposal.

2.6 Each proposal will be evaluated based on the scientific merit and military relevance of

the specific program proposed as it relates to the overall Army program rather than against other proposals in the same general area.

- 2.7 Upon receipt of a proposal, the BL staff will perform an initial review of its scientific merit and potential contribution to the Army mission and also determine if funds are expected to be available for the effort. Proposals not considered having sufficient scientific merit or relevance to the Army's needs or those in areas for which funds are not expected to be available may be declined without further review.

[NOTE: If your proposal leads to the award of a contract, proposal evaluation and award performance may be subject to the Office of Federal Procurement Policy's (OFPP) guidance on past performance.]

PART III - PROPOSAL PREPARATION

SECTION 1 - INTRODUCTION: This part provides information for preparing research proposals for submission to the BL.

SECTION 2 - GENERAL INFORMATION:

PRELIMINARY INQUIRIES:

BL is able to provide support for only a limited number of the proposals received. We realize that the preparation of a research proposal often represents a substantial investment of time and effort by the offeror. Therefore, in an attempt to minimize this burden, we strongly encourage organizations and individuals interested in submitting research proposals to make preliminary inquiries as to the general need for the type of research effort contemplated before expending extensive effort in preparing a detailed research proposal or submitting proprietary information. The TPOC should be contacted as appropriate. Organizations may submit white papers in electronic form.

ELIGIBILITY:

To be eligible for award of an agreement, a prospective recipient (except other governments, including state and local governments) must meet certain minimum standards pertaining to financial resources, ability to comply with the performance schedule, prior record of performance, integrity, organization, experience, operational controls, technical skills, facilities, and equipment.

POST EMPLOYMENT CONFLICT OF INTEREST:

There are certain post employment restrictions on former federal officers and employees, including special government employees (Section 207 of Title 18, U.S.C.). If a prospective offeror believes a conflict of interest may exist, the situation should be discussed with legal personnel, Ms. Ellen Marchese, Legal Counsel, 518-266-4312, ellen.purcellmarchese@us.army.mil, prior to expending time and effort in preparing a proposal.

MILITARY RECRUITING:

This is to notify potential offerors that each grant or cooperative agreement awarded under this announcement to an institution of higher education must include the following term and condition:

"As a condition for receipt of funds available to the Department of Defense (DOD) under this award, the recipient agrees that it is not an institution of higher education (as defined in 32 CFR part 216) that has a policy of denying, and that it is not an institution of higher education that effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes: (A) entry to campuses or access to students on campuses or (B) access to directory information pertaining to students. If the recipient is determined, using the procedures in 32 CFR part 216, to be such an institution of higher education during the period of performance of this agreement, and therefore to be in breach of this clause, the Government will cease all payments of DOD funds under this agreement and all other DOD grants and cooperative agreements to the

recipient, and it may suspend or terminate such grants and agreements unilaterally for material failure to comply with the terms and conditions of award."

If your institution has been identified under the procedures established by the Secretary of Defense to implement Section 558, then: (1) no funds available to DOD may be provided to your institution through any grant, including any existing grant, (2) as a matter of policy, this restriction also applies to any cooperative agreement, and (3) your institution is not eligible to receive a grant or cooperative agreement in response to this solicitation.

This is to notify potential offerors that each contract awarded under this announcement to an institution of higher education shall include the following clause: Defense Federal Acquisition Regulation Supplement (DFARS) clause 252.209-7005, Military Recruiting on Campus.

STATEMENT OF DISCLOSURE PREFERENCE:

Please complete Form 52 or 52A stating your preference for release of information contained in your proposal. Copies of these forms are provided in PART IV of this BAA.

REPORTING REQUIREMENTS:

Each award agreement shall include the required technical and financial reporting requirements in its terms and conditions.

SUBCONTRACTING:

Pursuant to Section 8(d) of the Small Business Act [15 U.S.C. 637(d)], it is the policy of the Government to enable small business concerns to be considered fairly as subcontractors under all research agreements awarded to prime contractors and grantees.

EQUIPMENT:

Normally, title to equipment or other tangible property purchased with contract funds vests with nonprofit institutions of higher education or with nonprofit research organizations if vesting will facilitate scientific research performed for the Government. Commercial organizations are expected to possess the necessary plant and equipment to conduct the proposed research. Deviations shall be made on a case-by-case basis.

TYPES OF AWARDS:

BL reserves the right to use the type of instrument most appropriate for the effort proposed. Offerors should familiarize themselves with these instrument types and the applicable regulations before submitting a proposal. Following are brief descriptions of the possible award instruments.

1. Grant - A legal instrument that, consistent with 31 U.S.C. 6304, is used to enter into a relationship:

- a. The principal purpose of which is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law or the United States, rather than to acquire property or services for the DOD's direct benefit or use.

- b. In which substantial involvement is not expected between the DOD and the recipient when carrying out the activity contemplated by the grant.
- c. No fee or profit is allowed.

2. Cooperative Agreement - A legal instrument which, consistent with 31 U.S.C. 6305, is used to enter into the same kind of relationship as a grant (see definition "grant") except that substantial involvement is expected between the DOD and the recipient when carrying out the activity contemplated by the cooperative agreement. The term does not include "cooperative research and development agreements" as defined in 15 U.S.C. 3710a. No fee or profit is allowed.

Grants and cooperative agreements are governed by the following regulations:

- a. OMB Circular A-21, "Cost Principles for Educational Institutions"
- b. OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments"
- c. OMB Circular A-102, "Grants and Cooperative Agreements with State and Local Governments"
- d. OMB Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations"
- e. OMB Circular A-122, "Cost Principles for Non-Profit Organizations"
- f. OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations"
- g. DOD Grant and Agreement Regulations (DODGARs), DOD 3210.6-R

Copies of OMB regulations may be obtained from:

Executive Office of the President Telephone: (202) 395-7332
Publications Service FAX Requests: (202) 395-9068
New Executive Office Building <http://www.whitehouse.gov/OMB/grants>
725 17th Street, N.W., Room 2200
Washington, DC 20503

An electronic copy of the DODGARs may be found at
<http://www.dtic.mil/whs/directives/corres/html/32106r.htm>

3. Other Transaction for Research. A legal instrument, consistent with 10 U.S.C. 2371, which may be used when the use of a contract, grant, or cooperative agreement is not feasible or appropriate for basic, applied, and advanced research projects. The research covered under an other transaction shall not be duplicative of research being conducted under an existing DOD

program. To the maximum extent practicable, other transactions shall provide for a 50/50 cost share between the government and the offeror. An offeror's cost share may take the form of cash, independent research and development (IR&D), foregone intellectual property rights, equipment, or access to unique facilities, as well as others. Due to the extent of cost share, and the fact that an other transaction does not qualify as a "funding agreement" as defined at 37 CFR 401.2(a), the intellectual property provisions of an other transaction can be negotiated to provide expanded protection to an offeror's intellectual property. No fee or profit is allowed on other transactions.

4. Other Transaction for Prototype. A legal instrument, consistent with 10 U.S.C. 2371 (as supplemented by Section 845 of Public Law 104-201 and Section 804 of Public Law 104-201), which may be used when the use of a contract, grant, or cooperative agreement is not feasible or appropriate for prototype projects directly relevant to weapons or weapon systems proposed to be acquired or developed by the DOD. The effort covered under an other transaction for prototype shall not be duplicative of effort being conducted under an existing DOD program. No fee or profit is allowed on other transactions for prototypes.

NOTE: In accordance with DOD Directive 3210.6, the DODGARs may include rules that apply to other nonprocurement instruments, when specifically required in order to implement a statute, Executive Order, or Government wide rule that applies to other nonprocurement instruments, as well as to grants and cooperative agreements.

5. Procurement Contract. A legal instrument which, consistent with 31 U.S.C. 6303, reflects a relationship between the Federal Government and a State, a local government, or other recipient when the principal purpose of the instrument is to acquire property or services for the direct benefit or use of the Federal Government.

DEFINITIONS:

1. Historically Black Colleges and Universities. Institutions determined by the Secretary of Education to meet the requirements of 34 CFR Section 608.2.

2. Minority Institutions. Institutions defined as those meeting the criteria contained in 10 U.S.C. Section 2323(a)(1)(C), which reads: "minority institutions [as defined in Section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3))], which, for the purposes of this section, shall include Hispanic-serving institutions [as defined in Section 316(b)(1) of such Act (20 U.S.C. 1059c(b)(1))]"

3. Research Agreement. As used herein, the term refers to research contracts, grants, cooperative agreements, and other transactions.

4. Small Business Concern. A concern that is independently owned and operated, organized for profit, is not dominant in the field of operation in which it is bidding on Government contracts, and with its affiliates employs not more than 500 employees.

5. Small Disadvantaged Business Concern. A small business concern which is at least 51 per cent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 per cent of the stock of which is owned by one or more socially and economically disadvantaged individuals and whose management and daily business operations are controlled by one or more of such individuals.

USE OF COLOR IN PROPOSALS:

All proposals and/or white paper received shall be stored as electronic images. Electronic color images require a significantly larger amount of storage space than black-and-white images. As a result, offerors' use of color in proposals and/or white paper should be **minimal** and used **only when absolutely necessary** for details. Do not use color if it is not necessary.

GENERAL PREPARATION AND SUBMISSION INFORMATION:

1. Proposals may be submitted at any time. A white paper or proposal for continuation of a given research project will be considered on the same basis as proposals for other new research agreements. The white paper or proposal should be submitted sufficiently in advance of the termination of the existing agreement so that if it is accepted, support may be continued without interruption.

2. All proposals should be submitted electronically with any restrictive legends to baa@pica.army.mil

3. All required signed forms (BL Form 51/52A and all budget forms) must be signed, scanned and submitted electronically as well. The file(s) must not be security or password protected. Acknowledgment of receipt will be returned via e-mail.

4. All required forms may be downloaded from the BL web site at www.benet.wva.army.mil under "For the Researcher" (Forms, BL BAA Forms).

5. Proposal will not be processed unless all of the above requirements are met.

6. Requests for waiver of electronic submission may be submitted via e-mail to baa@pica.army.mil or regular mail:

Benet Laboratory
ATTN: AMSRD-AAR-AEW (Proposal Processing Office)
1 Buffington St.
Watervliet, NY 12189

7. If a waiver is granted, the proposal and all signed forms will be accepted in hard copy along with required signatures.

UNSUCCESSFUL PROPOSAL DISPOSITION:

Unless noted in an offeror's proposal to the contrary, unsuccessful proposals will be retained for twelve (12) months from declination and then properly destroyed.

DOD CENTRAL CONTRACTOR REGISTRATION DATABASE:

In accordance with DOD policy, prospective contractors must be registered in the Central Contractor Registration (CCR) database prior to award of a contract, basic agreement, basic ordering agreement, or blanket purchase agreement. By submission of an offer resulting from this BAA, the offeror acknowledges the requirement that a prospective contractor must be registered in the CCR database prior to award, during performance, and through final payment of any contract resulting from this BAA. Even though this requirement is applicable to contractors, potential grant recipients are strongly encouraged to register also.

CLASSIFIED SUBMISSIONS:

Classified proposals are not expected. However, in an unusual circumstance where an offeror believes a proposal has the potential to be classified, the Watervliet Arsenal Security Officer shall be contacted on (518) 5266-4335 prior to the proposal's submission.

SECTION 3 - WHITE PAPER SUBMISSION, EVALUATION, AND DISPOSITION

Submission of white papers at any time is encouraged prior to the submission of a complete, more detailed proposal. White papers should present the effort in sufficient detail to allow evaluation of the concept's technical merit and the potential contributions of the effort to the Army mission. Due to Government budget uncertainties, no specific dollars have been reserved for awards under this BAA. Therefore, informal discussion with the TPOC is again encouraged.

WHITE PAPER PREPARATION:

1. White papers should state the potential advantage to the Army and present the offeror's technical approach, and identify physical products and data to be delivered to the Government and/or any equipment, information and support required from the Government, as well as the cost and proposed duration of the effort. Offerors should identify residual equipment or capabilities that, after demonstration, will remain property to the Government.
2. White papers are limited to five (5) pages plus the cover page and one page addendum as discussed below. Evaluators will be advised that they are only required to review the white paper cover page and up to six pages including the addendum.

TECHNICAL INFORMATION:

1. A brief technical discussion of the effort's objective, approach, and level of effort shall be submitted. Also include the nature and extent of the anticipated results and, if known, the manner in which the work will contribute to the accomplishment of Army's mission and how this would be demonstrated.
2. The type of support, if any, that the offeror requests of the Government, such as facilities, equipment, demonstration sites, test ranges, software, personnel or materials, shall be identified as government furnished equipment (GFE), government furnished information (GFI), government furnished property (GFP), or government furnished data (GFD). Offerors shall indicate any Government coordination that may be required for obtaining equipment or facilities necessary to perform any simulations or exercises that would

- demonstrate the proposed capability.
3. As an addendum to the white paper, include biographical sketches (one page) or the key personnel who will perform the research, highlighting their qualifications and experience.
 4. The cost portion of the white paper shall contain a brief cost estimate revealing all the component parts of the proposal, including research hours, burden, material costs, travel, etc.

RESTRICTIVE MARKINGS ON WHITE PAPERS:

1. Any proprietary data that the offeror intends to be used only by the Government for evaluation purchases must be identified. The offeror must also identify any technical data contained in the white paper that is to be treated by the Government as limited rights data. In the absence of such identification, the Government will assume to have unlimited rights to all technical data in the white paper. Records or data bearing a restrictive legend may be included in the white paper. It is the intent of the Army to treat all white papers as privileged information before the award and to disclose their contents only for the purpose of evaluation.
2. The offerors are cautioned, however, that portions of the white papers may be subject to release under terms of the Freedom of Information Act, 5 U.S.C. 552, as amended.

WHITE PAPER SUBMISSION:

1. Offerors are encouraged to submit white papers electronically to the TPOC using Microsoft Word. Offerors transmitting proposal submissions electronically are reminded not to transmit classified information or information of a proprietary nature as they will be doing so in a non-secure environment. White papers should state the potential advantage to Army and present the offeror's technical approach, and identify physical products and data to be delivered to the Government and/or any equipment, information and support required from the Government, as well as the cost and proposed duration of the effort. Offerors should identify residual equipment or capabilities that, after demonstration, will remain property of the Government.
2. White papers are limited to five (5) pages plus the cover page and one page addendum as discussed below. Evaluators will be advised that they are only required to review the white paper cover page and up to six pages including the addendum.

EVALUATION AND DISPOSITION OF WHITE PAPERS:

1. Offerors whose white papers are evaluated as having significant technical merit may be invited to submit a complete detailed proposal. The white paper will be evaluated in accordance with PART II of this BAA. Offerors whose white papers are evaluated as having significant technical merit may be invited to submit a complete detailed proposal. Care must be exercised to ensure that classified, sensitive, critical technology(ies) are not included. If such information is required, appropriate restrictive markings and procedures should be applied.

2. Disposition Process: After completion of the evaluation, the offeror will be notified in writing of the results.

SECTION 4 - CONTENTS OF COMPLETE RESEARCH PROPOSALS (PHASE I)

All offerors preparing research proposals for submission to the BL should initially submit the information as described below:

COVER PAGE (FORM 51):

1. See PART IV of this BAA for the required Cover Page (Form 51). "Proposals will not be processed without a signed Cover Page, Form 51."

Should the project be carried out at a branch campus or other component of the submitting organization, that branch campus or component should be identified in the space provided.

2. The title of the proposed project should be brief, scientifically representative, intelligible to a scientifically literate reader, and suitable for use in the public press.

3. The proposed duration for which support is requested should be consistent with the nature and complexity of the proposed activity. Offerors shall discuss the preferred performance period with the TPOC. The BL normally awards agreements for periods up to three (3) years (1 basic year of performance with two 1-year options). Nevertheless, the federal awarding agency reserves the right to make awards with shorter or longer periods of performance.

4. Specification of a desired starting date for the project is important and helpful however, requested effective dates cannot be guaranteed. Should unusual situations, such as long lead-time on awards, create problems regarding the proposed effective date, the investigator should consult the proposing organization's business office.

5. Should any of the special aspects apply to a proposal, the appropriate box(es) should be checked.

6. Pursuant to 31 U.S.C. 7701, as amended by the Debt Collection Improvement Act of 1996 [section 31001(I)(1), Public Law 104-134], federal agencies shall obtain each awardee's Taxpayer Identification Number (TIN). This number may be the Employer Identification Number for a business or non-profit entity or the Social Security Number for an individual. The TIN is being obtained for purposes of collecting and reporting on any delinquent amounts that may arise out of an awardee's relationship with the Government.

7. Offerors shall provide their organization's Data Universal Numbering System (DUNS) number. The DUNS number is a nine-digit number assigned by Dun and Bradstreet Information Services.

8. If known, offerors shall provide their assigned Commercial and Government Entity (CAGE) Code. The CAGE Code is a 5-character code assigned and maintained by the Defense Logistics Service Center (DLSC) to identify a commercial plant or establishment.

9. Proposals must be cleared through the organizational office having responsibility for Government business relations. An official authorized to commit the organization in business and financial affairs must sign the original copy of the Cover Page. .

TABLE OF CONTENTS: PART IV of this BAA contains the required Table of Contents format. Offerors' proposals should show the location of each section of the proposal, as well as major subdivisions of the project description.

STATEMENT OF DISCLOSURE PREFERENCE (FORM 52 OR 52A):
Complete Form 52 (Industrial Contractors) or Form 52A (Educational and Nonprofit Organizations) as provided in PART IV.

PROJECT ABSTRACT:

1. The Project Abstract shall include a concise statement of work and basic approaches to be used in the proposed effort. The abstract should include a statement of objectives, methods to be employed, and the significance of the proposed effort to the advancement of knowledge.
2. The abstract should be no longer than one (1) page and be in a form suitable for release under the Freedom of Information Act, 5 U.S.C. 552, as amended. The abstract should indicate the effort intended for each 12-month period of research, where applicable.

TECHNICAL PROPOSAL (PROJECT DESCRIPTION):
The technical portion of the proposal shall contain the following:

1. A complete discussion stating the background and objectives of the proposed work, the approaches to be considered, and the level of effort to be employed. Include also the nature and extent of the anticipated results and, if known, the manner in which the work will contribute to the accomplishment of the Army's mission.
2. A brief description of your organization. If the offeror has extensive government contracting experience and has previously provided the information to the BL, the information need not be provided again. A statement setting forth this condition should be made.
3. The names of other federal, state, local agencies, or other parties receiving the proposal and/or funding the proposed effort. If none, so state. Concurrent or later submission of the proposal to other organizations will not prejudice its review if we are kept informed of the situation.
4. A statement regarding possible impact, if any, of the proposed effort on the environment considering as a minimum its effect upon water, atmosphere, natural resources, human resources, and any other values.

5. The offeror shall provide a statement regarding the use of Class I and Class II ozone-depleting substances. Ozone-depleting substances mean any substance designated as Class I by EPA, including but not limited to chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform and any substance designated as Class II by EPA, including but not limited to hydrochlorofluorocarbons. See 40 C.F.R. Part 82 for detailed information. If Class I or II substances are to be utilized, a list shall be provided as part of the offeror's proposal. If none, so state.
6. The type of support, if any, requested (e.g., facilities, equipment, and materials).

BIOGRAPHICAL SKETCHES:

1. This Section shall contain the biographical sketches for senior personnel only. The following information is required:
 - a. Relevant experience and employment history including a description of any prior Federal employment within one year preceding the date of proposal submission.
 - b. List of up to five (5) publications most closely related to the proposed project and up to five (5) other significant publications, including those being printed. Patents, copyrights, or software systems developed may be substituted for publications.
 - c. List of persons, other than those cited in the publications list, who have collaborated on a project or a book, article, report or paper within the last four (4) years. Include pending publications and submissions. Otherwise, state "None."
 - d. Names of each investigator's own graduate or post graduate advisors and advisees.

The information provided in "c" and "d" is used to help identify potential conflicts or bias in the selection of reviewers.

2. For the personnel categories of postdoctoral associates, other professionals, and students (research assistants), the proposal may include information on exceptional qualifications of these individuals that merit consideration in the evaluation of the proposal.
3. The biographical sketches are limited to three (3) pages per investigator and other individuals that merit consideration. See PART IV for the appropriate format.

BIBLIOGRAPHY:

A bibliography of pertinent literature is required. Citations must be complete (including full name of author(s), title, and location in the literature). See PART IV of this BAA for the appropriate format.

CURRENT AND PENDING SUPPORT:

1. PART IV of this BAA provides a model format for reporting all current, on-going projects, and pending support for proposals, including subsequent funding in the case of continuing award agreements. All project support from whatever source must be listed. The list must include all projects requiring a portion of the principal investigator's and other senior personnel's time, even if they receive no salary support from the project(s).
2. The information should include, as a minimum: (i) the project/proposal title and brief description, (ii) the name and location of the organization or agency presently funding the work or requested to fund such work, (iii) the award amount or annual dollar volume of the effort, (iv) the period of performance, and (v) a breakdown of the time required of the principal investigator and/or other senior personnel.

FACILITIES, EQUIPMENT, AND OTHER RESOURCES:

The offeror should include in the proposal a listing of facilities, equipment, and other resources already available to perform the research proposed.

BUDGET PROPOSAL (including DD Form 1861):

1. Each proposal must contain a budget for each year of support requested and a cumulative budget for the full term of requested support. The budget form (Form 99) found in PART IV of this BAA may be reproduced as needed. Locally produced versions may be used, but you may not make substitutions in prescribed budget categories nor alter or rearrange the cost categories as they appear on the form. The proposal may request funds under any of the categories listed so long as the item is considered necessary to perform the proposed work and is not precluded by applicable cost principles. In addition to the forms, the budget proposal should include up to five (5) pages of budget justification for each year. A summary budget page should be included. The documentation pages should be titled "Budget Explanation Page" and numbered chronologically starting with the budget form. The need for each item should be explained clearly.
2. All cost data must be current and complete. Costs proposed must conform to the following principles and procedures:

Educational Institutions: OMB Circular A-21

Nonprofit Organizations: OMB Circular A-122*

Commercial Organizations: FAR Part 31, DFARS Part 231, FAR Subsection 15.403-5, and DFARS Subsection 215.403-5

All offerors (when applicable): DOD Grant and Agreement Regulations (DODGARs), DOD 3210.6-R.

**For those nonprofit organizations specifically exempt from the provisions of OMB Circular A-122, FAR Part 31 and DFARS Part 231 shall apply.*

3. The itemized budget(s) must include the following:

a. Direct Labor: Show the current and projected salary amounts in terms of man-hours, man-months, or annual salary to be charged by the principal investigator(s), faculty, research associates, postdoctoral associates, graduate and undergraduate students, secretarial, clerical, and other technical personnel either by personnel or position. State the number of man-hours used to calculate a man-month or man-year. For proposals from universities, research during the academic term is deemed part of regular academic duties, not an extra function for which additional compensation or compensation at a higher rate is warranted. Consequently, academic term salaries shall not be augmented either in rate or in total amount for research performed during the academic term. Rates of compensation for research conducted during non-academic (summer) terms shall not exceed the rate for the academic terms. When part or all of a person's services are to be charged as project costs, it is expected that the person will be relieved of an equal part or all of his or her regular teaching or other obligations. For each person or position, provide the following information:

(1) The basis for the direct labor hours or percentage of effort (e.g., historical hours or estimates).

(2) The basis for the direct labor rates or salaries. Labor costs should be predicted upon current labor rates or salaries. These rates may be adjusted upward for forecast salary or wage cost-of-living increases that will occur during the agreement period. The cost proposal should separately identify the rationale applied to base salary/wage for cost-of-living adjustments and merit increases. Each must be fully explained.

(3) The portion of time to be devoted to the proposed research, divided between academic and non-academic (summer) terms, when applicable.

(4) The total annual salary charged to the research project.

(5) Any details that may affect the salary during the project, such as plans for leave and/or remuneration while on leave.

b. Fringe Benefits and Indirect Costs (Overhead, General and Administrative, and Other): The most recent rates, dates of negotiation, the base(s) and periods to which the rates apply must be disclosed and a statement included identifying whether the proposed rates are provisional or fixed. If the rates have been negotiated by a Government agency, state when and by which agency. **A copy of the negotiation memorandum should be provided.** If negotiated forecast rates do not exist, offerors must provide sufficient detail to enable a determination to be made that the costs included in the forecast rate are allocable according to applicable OMB Circulars or FAR/DFARS provisions. Offerors' disclosure should be sufficient to permit a full understanding of the content of the rate(s) and how it was established. As a minimum, the submission should identify:

(1) All individual cost elements included in the forecast rate(s);

- (2) Bases used to prorate indirect expenses to cost pools, if any;
- (3) How the rate(s) was calculated;
- (4) Distribution basis of the developed rate(s);
- (5) Bases on which the overhead rate is calculated, such as "salaries and wages" or "total costs," and
- (6) The period of the offeror's fiscal year.

c. Permanent Equipment: If facilities or equipment are required, a justification why this property should be furnished by the Government must be submitted. State the organization's inability or unwillingness to furnish the facilities or equipment. Offerors must provide an itemized list of permanent equipment showing the cost for each item. Permanent equipment is any article or tangible nonexpendable property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. The basis for the cost of each item of permanent equipment included in the budget must be disclosed, such as:

(1) Vendor Quote: Show name of vendor, number of quotes received and justification, if intended award is to other than lowest bidder.

(2) Historical Cost: Identify vendor, date of purchase, and whether or not cost represents lowest bid. Include reason(s) for not soliciting current quotes.

(3) Engineering Estimate: Include rationale for quote and reason for not soliciting current quotes.

If applicable, the following additional information shall be disclosed in the offeror's cost proposal:

(4) Special test equipment to be fabricated by the awardee for specific research purposes and its cost.

(5) Standard equipment to be acquired and modified to meet specific requirements, including acquisition and modification costs, listed separately.

(6) Existing equipment to be modified to meet specific research requirements, including modification costs. Do not include equipment the organization will purchase with its funds if the equipment will be capitalized for Federal income tax purposes. Proposed permanent equipment purchases during the final year of an award shall be limited and fully justified.

Grants, cooperative agreements, or contracts may convey title to an institution for equipment purchased with project funds. At the discretion of the contracting/grants officer, the agreement may provide for retention of the title by the Government or may impose conditions governing the equipment conveyed to the organization. The Government will not convey title to

commercial contractors.

NOTE: It is the policy of the DOD that all commercial and nonprofit contractors provide the equipment needed to support proposed research. In those rare cases where specific additional equipment is approved for commercial and nonprofit organizations, such approved cost elements shall be "nonfee-bearing." In addition, commercial contractors are precluded from using contract funds to acquire facilities with a unit acquisition cost of \$10,000 or less (see FAR 45.302-1).

d. Travel: Forecasts of travel expenditures (domestic and foreign) that identify the destination and the various cost elements (airfare, mileage, per diem rates, etc.) must be submitted. The costs should be in sufficient detail to determine the reasonableness of such costs. Allowance for air travel normally will not exceed the cost of round-trip, economy air accommodations. Specify the type of travel and its relationship to the research project. Requests for domestic travel must not exceed **\$2,500 per year per principal investigator**. Separate, prior approval by the BL is required for all foreign travel (i.e., travel outside the continental U.S., its possessions and Canada). **Foreign travel requests must not exceed \$1,800 each per year per principal investigator**. Special justification will be required for travel requests in excess of the amounts stated above and for travel by individuals other than the principal investigator(s). Individuals other than the principal investigator(s) are considered postdoctoral associates, research associates, graduate and undergraduate students, secretarial, clerical, and other technical personnel. Additional travel may be requested for travel to Army laboratories and facilities to enhance agreement objectives and to achieve technology transfer.

e. Participant Support Costs: This budget category refers to costs of transportation, per diem, stipends, and other related costs for participants or trainees (but not employees) in connection with BL-sponsored conferences, meetings, symposia, training activities, and workshops (see PART II - Special Programs). Generally, indirect costs are not allowed on participant support costs. The number of participants to be supported should be entered in the parentheses on the budget form. These costs should also be justified in the budget justification page(s) attached to the cost proposal.

f. Materials, Supplies, and Consumables: A general description and total estimated cost of expendable equipment and supplies are required. The basis for developing the cost estimate (vendor quotes, invoice prices, engineering estimate, purchase order history, etc.) must be included. If possible, provide a material list.

g. Publication, Documentation, and Dissemination: The budget may request funds for the costs of preparing, publishing, or otherwise making available to others the findings and products of the work conducted under an agreement, including costs of reports, reprints, page charges, or other journal costs (except costs for prior or early publication); necessary illustrations, cleanup, documentation, storage, and indexing of data and databases; and development, documentation, and debugging of software.

h. Consultant Costs:

Offerors normally are expected to utilize the services of their own staff to the maximum extent

possible in managing and performing the project's effort. If the need for consultant services is anticipated, the nature of proposed consultant services should be justified and included in the technical proposal narrative. The cost proposal should include the names of consultant(s), primary organizational affiliation, each individual's expertise, daily compensation rate, number of days of expected service, and estimated travel and per diem costs.

i. Computer Services: The cost of computer services, including computer-based retrieval of scientific, technical, and educational information, may be requested. A justification/explanation based on the established computer service rates at the proposing organization should be included. The budget also may request costs, which must be shown to be reasonable, for leasing automatic data processing equipment. The purchase of computers or associated hardware and software should be requested as items of equipment.

j. Subawards (subcontracts or subgrants): A precise description of services or materials that are to be awarded by a subaward must be provided. For subawards totaling \$10,000 or more, provide the following specific information:

- (1) A clear description of the work to be performed.
- (2) If known, the identification of the proposed subawardee and an explanation of why and how the subawardee was selected or will be selected.
- (3) The identification of the type of award to be used (cost reimbursement, fixed price, etc.).
- (4) Whether or not the award will be competitive and, if noncompetitive, rationale to justify the absence of competition.
- (5) A detailed cost summary.

If the total amount of the proposal exceeds \$500,000 and the offeror is a large business or an institute of higher education and the resultant award is a contract, the offeror shall be prepared to submit a subcontracting plan for small business and small disadvantaged business concerns. A mutually agreeable plan will be included in and made a part of the contract.

k. Other Direct Costs: Itemize and provide the basis for proposed costs for other anticipated direct costs such as communications, transportation, insurance, and rental of equipment other than computer related items. Unusual or expensive items shall be fully explained and justified.

- l. Fixed Fee: The fixed fee, if any, which a commercial organization proposes to assess the research project.

CONTRACT FACILITIES CAPITAL COST OF MONEY: If cost of money is proposed, a completed Contract Facilities Capital Cost of Money (FCCM) (DD Form 1861) is required.

APPENDICES: Some situations require that special information and supporting documents be included in the proposal before funding can be approved. Such information and documentation

should be included by appendix to the proposal.

SECTION 5 - INFORMATION TO BE REQUESTED FROM SUCCESSFUL OFFERORS

(PHASE II): Offerors whose proposals are accepted for funding will be contacted before award to provide additional information required for award. The required information is normally limited to clarifying budget explanations, representations, and certifications.

SECTION 6 - CERTIFICATIONS REQUIRED FOR ASSISTANCE AWARDS (GRANTS OR COOPERATIVE AGREEMENTS):

1. CERTIFICATION AT APPENDIX A TO 32 CFR PART 28 REGARDING LOBBYING:

By signing and submitting a proposal that may result in the award of a grant or cooperative agreement exceeding \$100,000, the prospective awardee is certifying, to the best of his or her knowledge and belief, that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.
- c. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure."

2. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS--PRIMARY COVERED TRANSACTIONS:

By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

A participant in a covered transaction may rely upon a certification of a prospective participant

in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

Nothing contained in the foregoing shall be construed to require establishment of a system or records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

*CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS--*

PRIMARY COVERED TRANSACTIONS

The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;*
- b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;*
- c. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and*
- d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.*

Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

3. CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS:

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

For grantees other than individuals, Alternate I applies.

For grantees who are individuals, Alternate II applies.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including:

(i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

***CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS
(ALTERNATE I - GRANTEES OTHER THAN INDIVIDUALS)***

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;*
- b. Establishing an ongoing drug-free awareness program to inform employees about--*
 - (1) The dangers of drug abuse in the workplace;*
 - (2) The grantee's policy of maintaining a drug-free workplace;*
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and*
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.*
- c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);*
- d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--*
 - (1) Abide by the terms of the statement; and*
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;*
- e. Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.*

Employers of convicted employees must provide notice, including position title, to every grants officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (street address, city, county, state, zip code)

Check () if there are workplaces on file that are not identified here.

(ALTERNATE II - GRANTEEES WHO ARE INDIVIDUALS)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing within 10 calendar days of the conviction, to every grants officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

PART IV: PROPOSAL FORMS

Copies of Proposal Forms are available at <http://www.benet.wva.army.mil/>

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